

# **Exhibit 4**

**David Horr deposition, Feb 27, 2020**

***In The Matter Of:***

**Todd Courser v. Joseph Gamrat**

**David Horr**

**February 27, 2020**



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February 27, 2020

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STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY of KALAMAZOO

TODD COURSER,

Plaintiff,

-vs-

Case No.: 2018-0469-CZ  
Hon. Alexander C. Lipsey

JOSEPH GAMRAT and DAVID HERR,  
Defendants.

\_\_\_\_\_ /

The deposition of DAVID HERR was taken before Catherine Passmore, CSR-4212, a Certified Shorthand Reporter and Notary Public in and for Macomb County, Michigan, at Carroll Court Reporting and Video, 701 Huron Avenue, Port Huron, Michigan, on the 27th day of February, 2020, commencing at 9:02 a.m., pursuant to the applicable Court Rules.

APPEARANCES:

MR. MATTHEW S. DePERNO (P52622)  
DePERNO LAW OFFICE, PLLC  
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(269) 321-5064

Appearing on behalf of the Plaintiff

MR. BRIAN E. WEISS (P51502)  
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Kalamazoo, Michigan 49009  
(269) 375-6646

Appearing on behalf of the Defendant Joseph Gamrat

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1 APPEARANCE CONTINUING:

2 MR. DAVID HERR

821 Sanborn Street

3 Port Huron, Michigan 48060

4 In Pro Per

5

6 Also Present: Todd Courser

Joseph Gamrat

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1     **A**     **I don't recall.**

2     **Q**     Do you think less than 50?

3     **A**     **I don't recall.**

4     **Q**     I'm just trying to see if there's any number we can get  
5             to. Some closer number more than ten.

6     **A**     **It's more than ten. I'm sure the document exists that**  
7             **shows all of the texts.**

8     **Q**     Okay. I'm trying to get your understanding of what you  
9             may recall. Do you recall if there's more than 50,  
10            less than 50?

11    **A**     **More than ten, less than a hundred.**

12    **Q**     Did you hide your involvement from the police in  
13            sending these text messages?

14    **A**     **No.**

15    **Q**     Did there come a point where you destroyed that burner  
16            phone?

17    **A**     **Yes.**

18    **Q**     Why?

19    **A**     **I didn't need it any longer.**

20    **Q**     When did you destroy it?

21    **A**     **I have no idea.**

22    **Q**     June of 2015?

23    **A**     **No idea.**

24    **Q**     July of 2015? No idea at all?

25    **A**     **No idea.**

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1 Q How did you destroy it?

2 A **I broke it in half and threw it in the garbage.**

3 Q Most people who don't want a cell phone anymore just  
4 put it in their drawer, why did you break that one in  
5 half?

6 A **I didn't need it any longer.**

7 Q No other reason than I didn't need it any longer?

8 A **That's the only reason.**

9 Q You weren't worried that someone might find out about  
10 it?

11 A **No.**

12 Q Not at all?

13 A **No.**

14 Q Did anyone tell you to break that phone in half?

15 A **No.**

16 Q Okay. Number 37 says, "The MSP later discovered that  
17 extortion texts were sent from a phone that was in the  
18 possession of Horr, who neither Plaintiff nor Cindy  
19 Gamrat had ever met." You denied that. You said "I  
20 disagree with the statement because it was not  
21 extortion."

22 A **Correct.**

23 Q Setting that issue aside, whether or not it was  
24 extortion, is there anything else you disagree with in  
25 that statement?

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1     **A     No.**

2     Q     If you go to number 40. 40a, did you send the text,  
3           "Burner phone audio evidence time to have an impartial  
4           party (ME) reach out to Courser camp?

5     **A     Yes.**

6     Q     What's the audio evidence?

7     **A     I don't know.**

8     Q     What did you want to reach out to the Courser camp  
9           about?

10    **A     The affair.**

11    Q     And when you mean Courser camp who is the Courser camp?

12    **A     Todd.**

13    Q     Just Todd?

14    **A     Yes.**

15    Q     What about his brother?

16    **A     No.**

17    Q     His mother?

18    **A     No.**

19    Q     His wife?

20    **A     No.**

21    Q     In what way did you mean that you would reach out to  
22           the Courser camp?

23    **A     I don't recall.**

24    Q     Well, you say, "Burner phone audio evidence time to  
25           have an impartial party (ME) reach out to Courser

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CERTIFICATE OF REPORTER

STATE OF MICHIGAN )

) SS

COUNTY OF MACOMB )

I hereby certify that

I reported stenographically the foregoing  
proceedings and testimony under oath at the time and  
place hereinbefore set forth; that thereafter the  
same was reduced to computer transcription under my  
supervision; and that this is a full, true, complete  
and correct transcription of said proceedings.

*Catherine Passmore*



CATHERINE PASSMORE, CSR-4212

Notary Public

Macomb County, Michigan

My commission expires December 3, 2021